DORSEY WILL COMBAT NEW FRANK EVIDENCE

State Investigates Character of Witnesses Presented in Defense's Final Motion

The state is preparing vigorously to attack the testimony of Mary Rich, colored, and also of Mrs. J. B. Simmons, when the

hearing of the extraordinary motion for a new trial for Leo M. Frank is commenced on April 16 before Judge Ben H. Hill.

Agents of the state, it has been learned are making a vigorous probe of the life of Mrs. Simmons as well as her acts on April 26, the day of the murder, when she claims to have heard screams coming from the National Pencil Factory basement about 2:30 o'clock in the afternoon. Mrs. Simmons is now in Birmingham, but she lived in Atlanta for thirty years, and her whole career here is being investigated by the state's agents.

Solicitor General Hugh M. Dorsey still refuses to discuss the Frank case in any of its phases, but detectives presumably working under the direction of the state's attorney, are investigating the charge by the defense that Mary Rich, about 2:15 o'clock on the day of the murder, saw Conley come out of the alley behind the pencil factory and then return to the building by the same route, thereby explaining the mystery of the broken lock on the basement door.

While the city detectives and others assisting the solicitor apparently have instructions not to discuss the case with reporters, it is said that they have found several witnesses, quoted in the defense's extraordinary motion, who do not stand by their stories.

While this is said to be true in a number of cases, neither the detectives nor the solicitor will divulge the names of the witnesses in question.

The solicitor as yet has made no statement as to whether or not he will ask for a hearing of the extraordinary motion before April 1. As he is engaged constantly in the trial of routine criminal cases and has little time to study the Frank case, it is considered likely by court attachés that he will be content to wait until that date for the hearing.

Despite the fact that a copy of the extraordinary motion has been served on Solicitor Dorsey, the detectives in the employ of the defense are continuing their search for new evidence, and it is

generally expected that, regardless of the report of William J. Burns, the extraordinary motion will be amended several times before the hearing commences.

The investigation by the Burns' agents is still progressing satisfactorily, according to Dan S. Lehon, of New Orleans, now in charge of the Burns' forces.

Burns has finished his investigation of certain angles of the case, which led him to New York and other eastern cities, and officials of his office, expected him to return on a train which reaches Atlanta at 5 o'clock Tuesday afternoon.

It is expected also that Guy W. Biddinger, another of the Burns' lieutenants, will come to Atlanta this time with the "chief."

While the Burns agents claim to have discovered new evidence, it is their method not to divulge specific information until the final report on the case has been prepared. Burns has not yet talked with Jim Conley, Frank's Negro accuser, or with a number of other witnesses in the case, whom he expects to interview before the final report is made.

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Deaths and Funerals

MRS. NIXON'S FUNERAL.

The funeral of Mrs. Ethel Nixon was held Tuesday morning at 10 o'clock from the residence, 23 Bender Street. Interment was in Mount Zion Cemetery.

MR. LOWRY'S FUNERAL.

The funeral of Mr. Leonard Lowry, who died Monday morning, will be held at 2 o'clock Tuesday afternoon from the residence, 283 Humphrey Street.

MR. NATHANIEL HUMPHREYS.

The funeral of Mr. Nathaniel N. Humphreys, who died Monday afternoon at his residence, 263 Clarke Street, will be held Wednesday morning at 10:30 o'clock from the residence. Interment will be at Stone Mountain. Mr. Humphreys was sixty-six years old. He is survived by his widow, three daughters, Miss Annie Humphreys, Mrs. W. W. Langston, of Lithonia, Ga., and Mrs. J. C. Simpkins, of Savannah, and by one grandson, Master Hood Reynolds.

MRS. HAYGOOD RICHARDS.

Mrs. Haygood Richards, sister of Mrs. W. B. Price Smith, of Atlanta, died Thursday, March 26, at her home in Memphis, Tenn. She was buried at her old home, Hopkinsville, Ky. She is survived by her husband and four sisters, Mrs. Smith, Mrs. John W. Longwell, of Cincinnati; Mrs. J. W. Gish, of Memphis and Mrs. G. E. Randle, of Hopkinsville, Ky.

MR. SELIG'S FUNERAL.

The funeral of Mr. Emile Selig, who died Monday, was held Tuesday morning at 10 o'clock from the chapel of Greenberg & Bond. Rabbi David Mard officiated, and the pallbearers were Joseph Gershon, Julius Simon, Charlie May, Isaac Haas, Joseph Fuld, Herman Fox, Herman Sommers and Meyer Marcus. Interment was in Oakland.

MR. C. T. WRIGHT.

Mr. C. T. Wright, aged eighty-four years, died Tuesday morning shortly after 2 o'clock at the family residence, 78 English avenue. He is survived by a wife and seven children, four sons, J. P., C. S., C. F. and M. J. Wright, all of Texas, and three daughters, Mrs. J. A. Segars and Mrs. J. H. Rickerson, of Atlanta, and Mrs. M. J.

Robinson, of Vinings, Ga. The funeral will be held from the residence Wednesday morning at 9 o'clock and interment will be in Hollywood Cemetery.

Mr. RICHARD ALLISON.

The body of Mr. Richard Allison, who died Monday afternoon, will be sent to Hendersonville, N. C., for funeral and interment. Mr. Allison was seventy-four years old. He is survived by three sons, C. N. Allison, of Atlanta; J. E. Allison, of Fort Wayne, and Rev. F. E. Allison, of Greenville, W. Va., and by three daughters, Mrs. D. M. Orr, Mrs. T. M. Daniel and Mrs. J. T. Ryon.

MRS. BINDER'S FUNERAL.

The funeral of Mrs. Carlotta Fredericka Binder, who died Monday, will be held Wednesday morning at 10 o'clock from the residence, 55 LaFrance Street. Interment will be in West View.

MISS DESSA WOOD.

The funeral of Miss Dessa Wood will be held Tuesday afternoon at 3 o'clock from the residence, 568 Lawton Street. Interment will be in West View.

MRS. HUDSON'S FUNERAL.

The funeral of Mrs. Mary Hudson will be held Tuesday afternoon at 2:30 o'clock from Flat Rock Church. Interment will be in Flat Rock Cemetery.

MRS. MARIETTA BARNETT.

Mrs. Marietta Barnett, aged 44 years, died Monday night at 10 o'clock at a private sanitarium. She is survived by her husband, J. S. Barnett, and three children. The body will be taken to Flowery Branch for Funeral and Interment.

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The Frank Trial

(Kansas City Times.)

One of the developments of the age of steam and electricity has been that injustice, or even the suspicion of injustice, can no longer be localized. If a French officer is believed to have been unjustly exiled, the world takes up his case. The trial of a Russian Jew for ritual murder becomes an international affair. In the last few weeks, a murder case of Atlanta, Ga., has become of national importance.

Leo M. Frank, superintendent of a pencil company of Atlanta, was convicted last year of the murder of one of the employees of the company, Mary Phagan, under circumstances of peculiar atrocity. His sentence has been affirmed by the Supreme Court of the State, and the date of the execution set for April 17.

But recently a revulsion of feeling has set in Atlanta, based on the assumption that Frank did not have a fair trial. The only witness against him was a man whom The Atlanta Journal describes as “an irresponsible, drunken Negro.” The judge who presided at the trial, in refusing a new trial, made the statement that he had been unable to make up his mind as to the accused man’s guilt. Three of the leading clergymen in the city have taken up the matter and the agitation has spread throughout the country. Miss Jane Addams has called on the women of Atlanta to ask for a further investigation and leading periodicals and newspapers have commented on the case. All this agitation is founded, not on the contention that Frank’s innocence has been

proved, but on a belief that the facts were not fairly developed in the original trial. Frank's attorneys have called W. J. Burns, and on the strength of new evidence that he has found, will ask for a new trial.

It is a mark of advancing civilization that not only the locality itself, but the nation, is aroused over the possibility of putting to death a man whose guilt is in doubt.

The Atlanta Journal and a number of the leading papers of the state are emphasizing the fact that Frank did not have a fair trial, and are asking that the condemned man be given a rehearing. The News heartily joins in this request. Leo Frank may be guilty of this atrocious crime, but we do not believe him guilty upon the testimony of the Negro Jim Conley, who confesses to placing the body of the murdered girl in the basement of the building and to the writing of the notes that were found near the body. If Frank is guilty, the state need have nothing to fear in a second trial. If he is innocent, let him have another chance to prove it. Justice demands that he be given another hearing—Ware County News.